

Indiana Court Times

Supreme Court, Division of State Court Administration
www.state.in.gov/judiciary

Volume 11

Spring 2002

Number 1

New Jury Rules Top List of Supreme Court Rule Amendments

The following is a digest of rule amendments recently promulgated by the Indiana Supreme Court. Please note that “housekeeping” rule amendments – i.e., those without substantive effect, are not included in this summary. Effective dates are noted for each rule amendment.

Indiana Jury Rules

These 30 new rules govern jury assembly, selection and management in all state courts. Effective January 1, 2003.

Indiana Rules of Evidence

Rule 1002: For admissibility purposes, electronic records of the Indiana Bureau of Motor Vehicles bearing an electronic or digital signature are the equivalent of records with an original signature. Effective April 1, 2002.

Ind. Rules of Professional Conduct

Rule 8.4: Classifies as misconduct any conduct, in a professional capacity, manifesting, by words or conduct, bias or prejudice based upon race, gender, religion, national origin, disability, sexual orientation, age, socio-economic status, or similar factors. Excludes from the scope of the rule “legitimate advocacy” with regard to those factors. Effective April 1, 2002.

Ind. Rules of Procedure for Post-Conviction Remedies

Rule 1, Section 1: Classifies as a petition for post-conviction relief actions filed by persons convicted or sentenced for a crime which seek forensic DNA testing or analysis of any evidence. Effective December 21, 2001.

Guidelines for the Indiana Commission for Continuing Legal Education

Section 3(b)(i)(e): Eliminates CLE credit for attorneys

or judges who prepare questions for the bar exam. Effective January 1, 2003.

Section 3(b)(iv)(b): Adds academic entities to the employers who may sponsor CLE credit-producing programs for the exclusive benefit of their attorney employees. Effective January 1, 2003.

Section 3(b)(iv)(c): Adds internet conferences to the list of proceedings which will be denied CLE credit. Effective January 1, 2003.

Indiana Administrative Rules

Rule 5(B): Clarifies that state benefits for senior judges are state insurance benefits. Effective April 1, 2002.

Rule 8(B)(3): Changes civil and criminal case designations in case numbers. Effective December 21, 2001.

Rule 9(L): Alters jury confidentiality requirements as an analogue to provisions in the new Jury Rules—renders confidential any personal information relating to jurors or prospective jurors not disclosed in open court, other than for the use of the parties and counsel. Effective January 1, 2003.

Ind. Rules of Appellate Procedure

The Supreme Court amended 21 of the appellate rules and one appellate form, one year after restructuring appellate procedures. Among the changes are provisions regarding preparation of the record on appeal. Effective April 1, 2002.

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Court Amendments (continued from page 1)

Ind. Code of Judicial Conduct

Canon 3(B)(5): Clarifies language of rule so that judges are now prohibited, while in the performance of judicial duties, from exhibiting bias or prejudice based upon race, gender, religion, national origin, disability, sexual orientation, age, socioeconomic status, or similar factors and may not permit court staff to do so. Effective April 1, 2002.

Canon 4(C): Clarifies rule to prohibit personal solicitation of funds or “equivalent” fund-raising activities by a judge as an officer, director, trustee, or non-legal advisor, or as a member of certain organizations or governmental agencies. Effective April 1, 2002.

Canon 5: Requires candidates for election or appointment to judicial office to notify the Judicial Qualifications Commission in writing within one week of publicly announcing candidacy or authorizing the solicitation or acceptance of contributions or support. Effective February 6, 2002.

Ind. Rules of Trial Procedure

Rule 3: Provides that a civil action is commenced by the filing of a complaint or equivalent document, payment of the filing fee or fee waiver, and, where service of process is required, by furnishing to the clerk sufficient copies of the complaint and summons. Effective April 1, 2002.

Rule 4: Requires summons contain street address and telephone number of the court. Effective April 1, 2002.

Rule 5: Adds to the definition of “filing with the court” depositing pleading with pre-paid third-party commercial carriers for delivery within three calendar days. Effective April 1, 2002.

Rule 15: Requires that amendments changing the party against whom a claim is asserted will relate back to the date of the original complaint only if the party to be added, within 120 days of commencement of the action, receives sufficient notice and should have anticipated the suit. Effective April 1, 2002.

Rule 35: A “Suitably licensed or certified examiner” may conduct mental or physical examination under this rule, which previously required physicians conduct such examinations. Effective April 1, 2002.

Rule 45: Authorizes attorneys to issue and sign subpoenas in cases in which they have appeared for a party. Effective April 1, 2002.

Rule 53.1: Tolls the 30-day period for ruling on a motion from the date of referral to alternative dispute resolution until the alternative dispute resolution report is made to the court. Effective April 1, 2002.

Rule 60.5: Adjusts language regarding appointment of a special judge in a mandate of funds action and extends from two to 30 days the period for the respondent’s waiver of Supreme Court review. Effective April 1, 2002.

Rule 75: Requires party filing the action in the wrong venue to pay the costs of transfer within 20 days of the order transferring venue or suffer dismissal. Effective April 1, 2002.

Rule 77: Eliminates requirement that a court’s order book be certified daily by the judge. Effective April 1, 2002.

Rule 79: Allows a judge granting a change of venue to another county to serve as special judge in the same matter if the judge granting the motion, the judge receiving the case, and all of the parties agree to that appointment. Also provides for \$25 per day payment to senior judges serving as special judges. Effective April 1, 2002.

Rules of Criminal Procedure

Rule 11: Deletes requirement that judge certify transcript of sentencing or probation revocation hearing. Effective April 1, 2002.

Rules 12 and 13: Authorizes judge granting change of venue to another county to serve as special judge in the same matter if the judge granting the motion, the judge receiving the case, and all of the parties agree to that appointment. Effective April 1, 2002.

Guidelines for the Judges and Lawyers Assistance Program

Guidelines by which the Indiana Judges and Lawyers Assistance Program operates. Effective April 1, 2002.

Rules for Small Claims

Rule 2: Requires street address and telephone number of the court to be included on notice of claim. Effective April 1, 2002.

Indiana Tax Court Rules

Rule 3: Sets forth requirements for the petition initiating the appeal to the Tax Court. Effective April 1, 2002.

Continued on page 3

Court Amendments (continued from page 2)

Rule 4: Sets forth the timing of Tax Court jurisdiction and the properly named respondent and provides for substitution of parties. Establishes that public officers shall be made parties to original tax appeals only in their official capacities. Effective April 1, 2002.

Rule 6: Allows Department of Local Government Finance the right to intervene in certain tax appeals from Indiana Board of Tax Review decisions. Effective April 1, 2002.

Rule 16: Limits "small tax cases" to those involving a claim for refund from the Department of State Revenue of not more than \$5,000 for any year. Effective April 1, 2002.

Indiana Rules for Admission to the Bar and the Discipline of Attorneys

Rule 2: Requires both active and inactive attorneys to provide the Supreme Court Clerk with address updates. Effective April 1, 2002.

Rule 3: Requires attorneys admitted *pro hac vice* to provide separate notice for each proceeding in which a court grants permission for the attorney to appear. Effective April 1, 2002.

Rule 23: Numerous changes regarding service and filing of pleadings and other papers in disciplinary cases. Increases annual registration fee to \$90 for active lawyers and to \$45 for inactive lawyers and exempts from payment certain attorneys 65 years or older. Effective April 1, 2002.

Rule 24: Authorizes the Disciplinary Commission to file original actions in the Supreme Court to restrain or enjoin the unauthorized practice of law in Indiana. Effective April 1, 2002.

Rule 31: Changes composition of the Judges and Lawyers Assistance Committee to seven lawyers, five judges and two members who are judges, lawyers or law students. Effective April 1, 2002.

Randall T. Shepard Sworn in for Fourth-Term as Chief Justice

R**andall T. Shepard was sworn in on March 4 by Gov. Frank L. O'Bannon for his fourth five-year term as Chief Justice of Indiana, making him the longest serving Chief Justice in the history of the state.**

Chief Justice Shepard was appointed to the Court in 1985 by then Gov. Robert D. Orr. He was elected Chief Justice for the first time in 1987 by the Judicial Nominating Commission. The Commission then re-elected him for terms that began in 1992, 1997, and for the term that began March 4. In addition to friends and family, Chief Justice Shepard was joined by his wife, Amy MacDonell Shepard, their six-year old daughter "Mattie" Shepard, and Mattie's kindergarten class from The Orchard School of Indianapolis. Members of the Court of Appeals and Tax Court, Supreme Court



Photo by Frank Espich

The Hon. Randall T. Shepard, holding daughter Mattie, and accompanied by niece, Shannon Horn.

staffers and invited guests were also present.

Associate Justice Frank Sullivan Jr. served as the master of ceremonies for the event, which included remarks from Gov. O'Bannon, Lt. Gov. Joseph Kernan, Maggie Kernan, House Speaker John Gregg, and Court of Appeals Chief Judge Sanford Brook.

Following the ceremony, Chief Justice Shepard read to the kindergarten students from the book Marshall, the Court House Mouse, A Tale of the Supreme Court.

High Court Reverses Denial of Pauper Counsel in Civil Case

The Indiana Supreme Court has clarified the obligations of a trial court faced with an indigent litigant seeking appointment of counsel in a civil case.

In *Sholes v. Sholes*, 760 N.E.2d 156 (Ind. 2001), the Court reversed a trial court's denial of pauper counsel to an incarcerated inmate seeking to set aside a default judgment in his wife's action for divorce. The trial court denied the inmate's request for appointment of paper counsel and motion to set aside the default judgment. The Court of Appeals reversed, finding that the inmate had established his indigency, and, therefore, all proceedings after his request for counsel must be vacated. On transfer, the Supreme Court ruled that the inmate was entitled to pauper counsel under Ind. Code 34-10-1-1 and -2, which provide:

1. An indigent person who does not have sufficient means to prosecute or defend an action may apply to the court in which the action is intended to be brought, or is pending, for leave to prosecute or defend as an indigent person.

2. If the court is satisfied that a person who makes an application described in section 1 of this chapter does not have sufficient means to prosecute or defend the action, the court shall:

- (a) admit the applicant to prosecute or defend as an indigent person; and
- (b) assign an attorney to defend or prosecute the cause.

All officers required to prosecute or defend the action shall do their duty in the case without taking any fee or reward from the indigent person.

The Court determined appointment of counsel under Ind. Code 34-10-1-2 is mandatory where the requirements of the statute are met, and, accordingly, remanded the case to the trial court to determine whether the inmate was indigent and without sufficient means to litigate the dissolution action. However, the Court rejected the claim that such an interpretation means all indigent people will be entitled to pauper counsel.

The Court noted that the party seeking to proceed as an indigent person must demonstrate the lack of "sufficient means" to prosecute or defend the action. Assessing whether an applicant has "sufficient means" requires consideration of the type of action involved, the manner in which the action may be pursued, and the fiscal impact on local government. The Court noted that an indigent person might have sufficient means to prosecute or defend a small claims action or an action in which a contingent attorney fee normally is charged.

The Court further ruled that attorneys appointed under I.C. 34-



10-1-2 must be compensated if they seek such compensation. However, the Court expressed the hope that attorneys will volunteer their services in such cases.

Where the attorney seeks compensation, the Court ruled that courts lacking the funds to pay and unable to obtain an appropriation from their county council may rely on their mandate power under Ind. Trial Rule 60.5. That rule sets forth the procedure by which trial courts may seek funds "which are reasonably necessary for the operation of the court or court-related functions." Citing *In re Court Reporter Salaries in Knox Circuit and Superior Courts*, 713 N.E.2d 280, 282 (Ind. 1999), the Court noted that mandate may not be available where any specific fiscal or other governmental interests would be severely and adversely affected by a T.R. 60.5 order requiring payment of any appointed counsel. That is the reason the trial court must consider the impact on governmental interests when determining whether a person has "sufficient means" under I.C. 34-10-1-2, according to the Court.

Ask Jack

(Each issue, Jack Stark, Director of Trial Court Services, will answer reader questions concerning matters of court administration or general reader interest. Should no interesting questions be presented, Jack will make up a question and answer it! Anyone with a question is invited to send it to Jack Stark, Division of State Court Administration, 115 West Washington Street, Suite 1080, Indianapolis, Indiana 46204, or e-mail it to jstark@courts.state.in.us.)

Question: Why do the supreme court orders issued earlier this year appointing senior judges expire at the end of June, even though our court requested our senior judge's appointment for the entire calendar year?

Answer: This one's easy. It all has to do with your trial court's caseload.

Although statute permits trial courts to request that the supreme court appoint certified senior judges to serve in a particular trial court, the supreme court's policy is to appoint senior judges to trial courts that have reported sufficient caseload pursuant to the weighted caseload measure. Accordingly, a trial court requesting a senior judge must have a caseload of approximately 80% of the state average caseload in order to qualify. (Incidentally, for 2000 that figure was around "1.0"). However, courts with caseloads below the 80% threshold may still have a

senior judge appointed if the trial court can demonstrate to the supreme court extraordinary circumstances warranting appointment.

Senior judge appointments are renewed each calendar year. That is to say, each December the Division processes several hundred senior judge appointments for the upcoming year. But in December of 2002, for example, the caseload statistics we will have available will be from 2001. The 2002 stats will not yet have been tabulated. But the 2002 statistics will be available in June 2003. Accordingly, to ensure an accurate picture of trial court activity as it relates to the need for senior judges, the Division's initial calendar year appointments of senior judges extend through the end of June of each year, at which time we are able to review the appointments in light of the most recent caseload statistics. Sometimes, adjustments are necessary.

Tax Court Judge Thomas Fisher Receives Lasser Award

Indiana Tax Court Judge Thomas G. Fisher received the Lawrence L. Lasser Award as the outstanding tax court judge for 2001 at the National Conference of State Tax Judges annual meeting.

The award is presented by the Conference, which is underwritten by the Lincoln Institute of Land Policy. Judge Lasser was a founder of the Conference in the late 1970s and was the first presiding judge of the New Jersey Tax Court. He died in 1998.

Judge Fisher received the award last month in Cambridge, Mass. It recognizes outstanding achievement and vision in state tax court leadership and in promoting judicial education and professional development through the National Conference of State Tax Judges. The award to Judge Fisher reflected the high esteem in which he is held by his judicial peers, whom he has lead as a past Chairman of the National Conference, according to a

statement released by the Lincoln Institute.

The Lincoln Institute of Land Policy is a nonprofit and tax-exempt educational institution established in 1974. Its mission as a school is to study and teach land policy, including land economics and land taxation. The Institute supports the National Conference of State Tax Judges' annual meeting where judges review recent state tax decisions, consider methods of dealing with complex tax and valuation disputes, and share experiences in case management and administration.

Judge Fisher was appointed as Indiana's first tax court judge in 1986 after serving as Jasper County Prosecuting Attorney.

LexisNexis Proving Cost Effective; Users Find It Valuable

As part of its legal research initiative, the Judicial Technology and Automation Committee (JTAC) partnered in late 2001 with LexisNexis to provide subsidized access to online research for state employees throughout Indiana.

Under the contract, Indiana judicial employees of courts of record can obtain LexisNexis accounts that are fully funded by JTAC, while employees of other state agencies can obtain accounts at a subsidized rate. Since state employees began utilizing this service, many counties have reported sizeable monthly and annual savings.

Hamilton County judges have participated in the initiative since late December 2001, and their clerks began using the service in early March 2002; as a result, the Hamilton County judiciary reports an estimated annual savings of more than \$35,000. The Indiana Department of Environmental Management (IDEM) has also utilized LexisNexis, and report annual savings of \$22,000 through its

use. LexisNexis has allowed IDEM to increase the agency's ability to perform its designated duties and minimize state costs."



Since beginning use of the service in mid-December 2001, the Lake County Prosecutor's Office reports a \$7,000 annual savings, and they find the availability of resources on LexisNexis to be excellent and the cost-per-user to be outstanding. And while the Warrick County Prosecutor's Office reports saving a mere \$100 per month, they find that Lexis offers superior content and is easy to use.

Judge Scott Bowers of the Vanderburgh Superior Court finds

JTAC-funded Lexis access to be "a tremendous resource." Judge Bowers uses Lexis "almost daily" and, "the range of materials available [on Lexis] is something we could never match economically in the local law library." Magistrate Ralph Moore of Vanderburgh County added, "I find this an absolutely amazing tool! The thought of being forced to use the old law library drudgery makes me cringe."

As of late March, 2002, fifteen agencies, including county judiciaries and prosecutors' offices, have reported savings to the Division of State Court Administration totaling more than \$20,000 per month.

To learn more about the JTAC LexisNexis Legal Research Initiative and to register for the program, please visit our web site at www.in.gov/judiciary/jtac/.

Rick Ponti and Mark Scott Join JTAC Team

Rick Ponti and Mark Scott have joined the staff of the Division of State Court Administration to assist the Judicial Technology and Automation Committee in developing a statewide judicial information-sharing system.

Mr. Ponti, who holds both undergraduate and graduate degrees from Purdue University, most recently worked for Radiant Systems in Alpharetta, Georgia, a supplier of transaction processing and manage-

ment systems supporting enterprise processes for food suppliers, grocers, hotels, and others. According to Kurt Snyder, Director and Counsel of Trial Court Technology, Mr. Ponti's credentials were a good match for JTAC. "Rick's experience with large corporate information processing and management systems will be invaluable during the implementation stages of JTAC," Mr. Snyder said.

Mark Scott received his under-

graduate degree in criminology from Indiana/Purdue University, Indianapolis. He also holds graduate degrees in information science and public affairs from IUPUI. Prior to accepting a position with the Court, Mr. Scott was director of integrated technologies for the Marion (County) Superior Court. Mr. Snyder noted that Mr. Scott's experience with technology-based information management for Indiana's largest county court system will also be a crucial asset for the JTAC staff.

JTAC Funded Computer Education Classes Get Great Reviews



Ivy Tech Training Program

"I thought the classes were very well taught and I learned a lot from them. I thought that Powerpoint was the most enjoyable and Microsoft Word is the class that would help us out the most in the office." Amy McLaughlin, Bailiff, Johnson County Superior Court 2

Since mid 2001, the Indiana Supreme Court, through its Judicial Technology and Automation Committee (JTAC), has offered fully-funded technical training to judicial employees throughout Indiana through a partnership with Ivy Tech State College.

Employees in Adams, Allen, Blackford, Clay, Dearborn, Delaware, Grant, Hamilton, Hendricks, Henry, Jay, Johnson, LaGrange, Lake, Madison, Marion, Marshall, Noble, Porter, Putnam, Ripley, Scott, St. Joseph, Vermillion, Vigo, Washington and Wells counties have participated in this program. Johnson County judicial employees have utilized the training to the fullest extent, and report a tremendous level of success as a result.

Richard Pfifer, Director of Johnson County Adult Probation and employed there since 1987, said, "I have taken multitudes of classes, and none of them have proven to be as valuable as this computer course. The course covered all areas that relate to my position as a Chief Probation Officer, and course objectives were clear, attainable, and applied to our present judicial system."

Johnson County judicial employees have collectively participated in all levels of Microsoft Word, Excel, Access, and PowerPoint classes through the Ivy Tech program, and most employees that have participated have taken multiple courses.

Johnson County Employees praised Ira Hogan, the instructor assigned to the Columbus campus of Ivy Tech. Mr. Pfifer says of Hogan, "He was well versed, focused,

and applied the course with the court system in mind." Cindy McKinney added, "He was very knowledgeable about each course that we took, and if we had any questions that he could not answer, he would research it and have the answer at the next class." Because such a large number of Johnson County judicial employees enrolled in his classes, Mr. Hogan arranged to travel to Franklin to teach the course at the local college, rather than have the group make the trip to Columbus for each class.

"The classes met my needs as a judicial employee, in that I have not been using any databases in my daily routine of work. Now I have found several ways to use Access and Excel that will make tasks more efficient and quicker to complete." Cindy McKinney, Assistant Court Reporter/Civil Bailiff, Johnson County Superior Court 2

As a result of the success of the program in Johnson County and the high level of staff satisfaction, Richard Pfifer wants the rest of his staff to participate. "My overall impression of the Ivy Tech program is excellent," he said. "I would take this over again in a minute!"

To learn more about the JTAC Ivy Tech Computer Training Program and to register for courses at JTAC's expense, please visit our web site at www.in.gov/judiciary/jtac/.

"We were lucky that we had such a great response to the JTAC Microsoft Office courses. You could see that everyone was trying to see how they could take this knowledge back to their job responsibilities, and you could feel the excitement and minds churning as the capabilities of Access were presented." Teresa Abney, Courthouse System Administrator, Johnson County Circuit Court

By Lindsey Holloway

Task Force Studies Voice Recognition Technology

When Chief Justice Randall T. Shepard recently appointed a six-judge task force to investigate innovations in court reporting systems, its primary focus soon became speech recognition systems.

The task force selected two pilot project sites in northwest Indiana: Lake Superior Court (criminal division), and Porter Superior Court 2, and, after viewing demonstrations of the two main voice-writing vendors, purchased two voice recognition systems from Stenoscribe Corporation for use at the sites.

The chair of the task force, Judge Daniel Vanderpool of Wabash Circuit Court, expressed optimism for the projects' success, saying, "I believe that the pilot is a worthy effort to determine the feasibility of using voice recognition technology as it stands today. If it would be of benefit to any of the reporters and assist

them in their work, then it will be worthwhile to study for that reason alone. Given the state of overload in some of the trial intensive courts, it may prove to be a time and effort saver in the long run."

In May of 2001, the task force submitted a preliminary report on the state of the industry to Chief Justice Shepard, and the pilot projects received necessary equipment in November 2001. Court reporters who will be learning the systems should be ready to debut them in their courtrooms this summer.

To learn more about the project, visit the task force website at <http://www.in.gov/judiciary/committees/voice.html>.

Quarterly Case Status Report (QCSR) on the WEB

Electronic Statistics Reporting

Within the next several weeks, the Division will initiate a training program to familiarize court and clerk staff who report QCSR statistics with newly-developed electronic reporting processes.

The Division of State Court Administration has developed an electronic means of reporting QCSR statistics each quarter.

Within the next several weeks, the Division will initiate a training program to familiarize court and clerk staff who report QCSR statistics with a newly-developed Internet report form. Using this new reporting system, courts will be able to submit their statistical reports directly to the Division's AS/400 computer, and will be able to generate immediately reports summarizing the individual court's filings.

Additionally, the Division has been working with Computer Systems, Inc. (CSI) to allow direct transmission of statistics from their case management systems to the Division's AS/400 computer. This enhancement was tested during the recent two weeks and will hopefully be available for CSI customers in time for second quarter statistical reporting.

It is anticipated that these enhancements will reduce time spent on manual entry of statistics, reduce errors, and make the entire process

more efficient both in the trial courts and for the Division staff. Once the QCSR reporting process is refined, the Division hopes to develop other Internet-based applications to allow courts to file their statutory reports in the most efficient manner possible.

Any questions relating to statistical reporting or these new electronic initiatives may be directed to Ron Miller, Director of Trial Court Management at rmiller@courts.state.in.us or Andrew Straw, Statistical Analyst at astraw@courts.state.in.us. Both Ron and Andy may also be reached by telephone at (317) 232-2542.

Quarterly Case Status Report

PART I: CASES BEFORE THE COURT

PART II: DECIDED CASES

PART III: CASES NOW PENDING

Three Counties Complete First Phase of Family Courts Project

Johnson, Monroe, and Porter Counties successfully completed Phase 1 of the Indiana Family Court Project in December of 2001.

In Johnson County, Judge Mark Loyd and Magistrate Craig Lawson served 75 families in over 179 cases using a "one family-one judge" model. Each family's multiple cases were combined for a "mega status" hearing to sort-out and resolve issues, and to schedule coordinated hearings as needed.

In Monroe County, Judge Viola Taliferro served 33 families in 143 cases using a "one family-one judge" model, and Judge Marc Kellams provided case management services for 10 families in long-standing or at-risk custody disputes. The results were fewer hearings and enhanced communication between multiple attorneys and service professionals working with the families.

In Porter County, Judge Mary Harper utilized an "information sharing" model to inform the multiple judges and attorneys involved with 83 families in 357 separate cases about the hearing dates and significant orders in each of the family's cases. Porter County additionally developed affordable mediation services for custody and visitation disputes in coordination with the local bar association and Valparaiso Law School.

Phase 2 of the Family Court Project began January 2002 with a commitment to continue the original family

court projects with permanent local funding, and the selection of new family court projects. LaPorte and Marion County are adapting Porter County's information sharing model to fit their individual needs and will use a "case coordination form" to alert the appropriate judges, attorneys, and parties about the family's multiple cases. Montgomery and Boone counties are developing a "one family-one judge" model in their court systems. Putnam and Owen counties will work cooperatively to extend Putnam County's successful mediation programming (referred to as "facilitation") into Owen County to provide non-adversarial dispute resolution in *pro se* custody cases and CHINS cases.

The judges and personnel of Indiana's seven family court projects, involving nine counties, will meet on June 10th in Indianapolis for their bi-annual family court meeting. The projects are under the authority of the Indiana Supreme Court, managed by the Indiana Division of State Court Administration. The projects receive guidance from the statewide Family Court Task Force chaired by of Margret G. Robb of the Indiana Court of Appeals. For more information on the family court projects contact project consultant Frances G. Hill, at e-mail: frances_hill@hotmail.com, and see the family court web site at: in.gov/judiciary/programs/familycourt.html.

High Court Appoints Four to Pro Bono Commission

Fort Wayne Attorney Phil Burt was appointed by Chief Justice Randall T. Shepard on March 13 as the next chair of the Indiana Pro Bono Commission. Mr. Burt, a veteran Fort Wayne attorney and long-time advocate of pro bono efforts by attorneys, will begin his three-year term as chair on July 1, 2002. Mr. Burt replaces the Hon. L. Mark Bailey of the Indiana Court of Appeals, who is credited with organizing and establishing the Pro Bono Commission as its first chair. Judge Bailey will remain on the 21-member Pro Bono Commission.

The Indiana Supreme Court has re-appointed three individuals to new terms on the Indiana Pro Bono Commis-

sion, Chief Justice Shepard also announced. In addition to Judge Bailey, who will remain on the Commission, Indiana Lawyer Publisher Glenda Russell, and Mark Robinson, of Indiana Legal Services, Inc. of New Albany, will each serve a second three-year term beginning July 1, 2002.

Judge Bailey was the first chair of the 21-member Pro Bono Commission, which is a joint project of the Supreme Court and the Indiana Bar Foundation. Its primary function is to award grants to local pro bono organizing committees. In early 2002, it distributed over \$600,000 in an effort to encourage Indiana attorneys to do more pro bono civil legal work for people of limited means.

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Judge Scopelitis Attends Program Funded by State Justice Institute

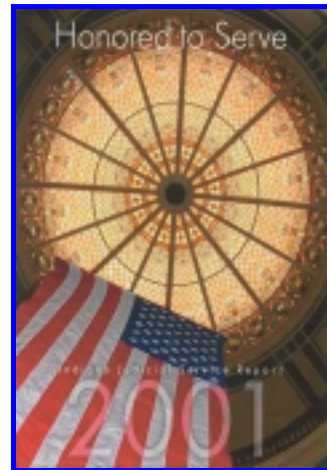
St. Joseph Superior Court Judge Michael P. Scopelitis attended the General Jurisdiction Instructional Program at the National Judicial College between October 29, 2001 and November 9, 2001.

This program consisted of courses designed to develop judicial skills and leadership for new judges and provided a rare opportunity for judges from across the country to come together to share ideas on the best methods and procedures for courtroom and jury management.

Judge Scopelitis' attendance was supported by a scholarship awarded by the State Justice Institute (SJI),

a non-profit organization established by Federal law to award grants to improve the quality of justice in State courts nationwide, facilitate better coordination between State and Federal courts, and foster innovative, efficient solutions to common problems faced by all courts. More information about the Institute is available on the SJI website (<http://www.statejustice.org>)

***2001 Indiana
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in July!***



Legal Motions

Legal Motions features personnel changes in the Indiana Judiciary. If you have any news of retirements, resignations, new appointments, or people on the move, we would be happy to feature it.

Appointment of New Judges:

Tippecanoe Superior Court, The Hon. Thomas Busch will fill the vacancy left by the Hon. George Heid, effective February 25, 2002.

Pro-Tem:

Morgan Superior Court 2, The Hon. Betty Shelton Cole will replace Senior Judge James Harris, effective through May 5, 2002, when The Hon. Christopher Brunham will return from military active duty.

Magistrate:

Lake Superior Court, The Hon. Maria Luz Corona will fill the vacancy left by Judge Robert Pete.

Address Change:

The Hon. Paul Baldoni, Laporte Superior Court 3, 809 State Street, Laporte, IN 46350.

County Clerk:

Shelbyville County Clerk Cathy Laird recently passed away from complications related to injuries she suffered in an auto accident. The new clerk is Carol Stohry.

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Our goal is to foster communications, respond to concerns, and contribute to the spirit and pride that encompasses the work of all members of the judiciary around the state. We welcome your comments, suggestions and news. If you have an article, advertisement, announcement, or particular issue you would like to see in our publication, please contact us.

If you would like to receive this newsletter via e-mail, or by accessing our website, please send a message to dguthrie@courts.state.in.us to have your name added to our electronic list and removed from our hardcopy mailing list.

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Please Circulate to Co-workers

This newsletter reports on important administrative matters. For future reference, add it to your Trial Court Administrative Manual.

Indiana Court Times

Indiana Supreme Court
Division of State Court Administration
115 W Washington ST STE 1080
Indianapolis IN 46204-3466

COMMENTS ON THE NEW APPELLATE RULES SOUGHT FROM
JUDGES, CLERKS, AND COURT REPORTERS

Sponsored by the Indiana State Bar Association's Appellate Practice Section

On January 1, 2001, Indiana's new appellate rules went into effect. The Appellate Practice Section of the Indiana State Bar Association is now seeking feedback from judges, clerks, and court reporters about how the rules are working. The feedback received by the Section will be incorporated into a report to the Indiana Supreme Court Rules Committee. If warranted, the Rules Committee could then make recommendations to the Supreme Court regarding possible amendments to the appellate rules. Please take a moment to express your thoughts about the new appellate rules in the space provided below. Return this form to: Kendra Gjerdingen, P.O. Box 5787, Bloomington, IN 47407-5787 by June 14, 2002.

Name: _____

check one: judge ☐ clerk ☐ court reporter ☐

Please provide any comments you have regarding the new appellate rules.

1. Record on Appeal/ Preparation of the Transcript (Rules 10-13, 27-33)

2. Motion Practice (Rules 34-42)

3. Briefs and Appendices (Rules 43-51)

4. Other
